

**THE UNITED STATES DISTRICT COURT
THE DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO. 11-11552

J.R., by and through his mother and next
friend, ANY DEPINA and ANY DEPINA
PLAINTIFFS,

v.

CITY OF BOSTON, MASSACHUSETTS,
DEPARTMENT OF CHILDREN AND FAMILIES,
CAMP JOY, INC. and AYANNA S. RICHARDSON
DEFENDANTS

PARTIES

1. The Plaintiff, J.R. (hereinafter "J.R.") is a five year old minor child who was born on 2/12/2006 to his next friend and mother, Any Depina, a resident of 16 Ridgewood Street, Dorchester, Massachusetts 02122.
2. The Plaintiff, Any Depina, (hereinafter "Depina") is a resident of 16 Ridgewood Street, Dorchester, Massachusetts 02122.
3. The Defendant, City of Boston (hereinafter "City"), is a municipal corporation located in the Commonwealth of Massachusetts that runs a Summer Program for Youth with Disabilities or Special Needs which has a principal place of business located at One City Hall Square, Boston, MA 02201.
4. The Defendant, Department of Children and Families (hereinafter "DCF"), is a State Agency with its principal place of business at 24 Farnsworth Street Boston, MA 02210.
5. The Defendant, Camp Joy, Inc. (hereinafter "Camp Joy") is a corporation with its principal place of business located at E. Windsor Road., Peru, Massachusetts.
6. The Defendant, Ayanna S. Richardson (hereinafter "Richardson") is an individual who resides in Massachusetts and is a former employee of Camp Joy, Inc.

FACTS

7. On or about July 1, 2010, Depina was supplied with information from DCF, that J.R. was accepted into a program with Camp Joy.
8. On or about July 1, 2010, J.R. was accepted to a program with Camp Joy, located at the Holland School in Dorchester, Massachusetts.
9. On or about, July 12, 2010, J.R. attended the Camp Joy program.
10. Defendant, Richardson was, at the time of the incident working as a Camp Counselor employee for Camp Joy.
11. During J.R.'s time at Camp Joy, J.R. was videotaped cursing and swearing, at the provocation of several persons, including camp counselors and Defendant, Richardson.
12. On or about August 2010, the Depina was informed by her brother that her son was on Facebook where he was videotaped without parental consent where the Defendant, Richardson told the minor child to say "Fucking Ass Bitch" and told him to say it louder and louder.
13. On or about August 5, 2010, Depina filed a police report stating that a video of her son had been posted to the website, YouTube. See police report attached hereto and incorporated by reference as Exhibit "A".
14. On or about August 2010, the Depina contacted the Director of Camp Joy, who called her back and Depina described the incident.
15. The director indicated that she would be firing individuals that were involved for either participating or not reporting the incident. She also indicated that she would be filing a 51A although Depina never received any confirmation of any of the above.
16. On or about August 2010, J.R. did not return to the camp.
17. Since this incident, J.R. has exhibited difficulty emotionally.

COUNT ONE - VIOLATION OF M.G.L. c. 214 §B

18. Plaintiffs reallege the allegations contained in Paragraphs 1-17 as if restated fully herein.
19. Defendant, Richardson, has violated Plaintiffs Right to Privacy, pursuant to M.G.L. c. 214 §1B.
20. Defendant, Richardson, videotaped J.R. without the consent of Depina.

21. Defendant, Richardson, through the placing of the video onto YouTube has portrayed the Plaintiffs in false light.

COUNT TWO - NEGLIGENT SUPERVISION AS TO CAMP JOY

22. Plaintiffs reallege the allegations contained in Paragraphs 1-21 as if restated fully herein.
23. Defendant, Camp Joy, negligently supervised its counselors, and as a result of this negligent supervision this incident was able to take place.

COUNT THREE - FALSE LIGHT

24. Plaintiffs reallege the allegations contained in Paragraphs 1-23 as if restated fully herein.
25. Defendants, through their actions and omissions regarding the posted video recording, have portrayed Plaintiffs in a false light.

COUNT FOUR - DEFAMATION

26. Plaintiffs reallege the allegations contained in Paragraphs 1-25 as if restated fully herein.
27. Defendants, through their actions and omissions have defamed the Plaintiffs.

COUNT FIVE - NEGLIGENCE AS TO DCF

28. Plaintiffs reallege the allegations contained in Paragraphs 1-27 as if restated fully herein.
29. Defendant, DCF, negligently placed J.R. in a program where J.R. was subject to mistreatment.

COUNT SIX - NEGLIGENCE AS TO CAMP JOY

30. Plaintiffs reallege the allegations contained in Paragraphs 1-29 as if restated fully herein.
31. Camp Joy, has violated the rights of Plaintiffs, by failing to act to protect Plaintiffs from privacy invasion and exploitation when it willingly assumed the duty to act *in loco parentis*.
32. Camp Joy, acting as an employer is subject to vicarious liability since Defendant Richardson, was an employee and was acting within her capacity as such.

COUNT SEVEN - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

33. Plaintiffs reallege the allegations contained in Paragraphs 1-32 as if restated fully herein.

34. Defendants have intentionally inflicted emotional distress upon the Plaintiffs and as a result have caused them harm.

COUNT EIGHT - VICARIOUS LIABILITY AS TO THE CITY OF BOSTON

35. Plaintiffs reallege the allegations contained in Paragraphs 1-34 as if restated fully herein.

36. Defendant, City of Boston, as an agent of Camp Joy is subject to vicarious liability on all counts as it funded and oversees the operations of DCF.

PRAYERS FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Honorable Court grant the following:

1. Grant Plaintiffs compensatory damages equal to that of the damage suffered by Plaintiffs;
2. Grant Plaintiffs an injunction requiring the video be taken down and permanently removed from YouTube and any and all other mediums of communication and storage;
3. Grant the Plaintiffs punitive damages as a result of Defendants' acts and omissions;
4. Any other relief that this Honorable Court may deem just and proper.

Dated: _____

9/5/11



Christine Cedrone Logan, Esquire
Christine Cedrone Logan & Associates, P.C.
21 McGrath Highway, Suite 306
Quincy, MA 02169
617-934-0709
617-328-0689 fax
BBO No. 659355

EXHIBIT "A"



Edward F Davis, Police Commissioner

INCIDENT REPORT

ORIGINAL		STATUS: APPROVED	
KEY SITUATIONS		CLEAR, DIST.	
UCR INCIDENT DESCRIPTION		C11	
INVESTIGATE PERSON		C11	
LOCATION OF INCIDENT		08/05/2010	
4 LEROY ST		07:11 PM	
NEIGHBORHOOD		WEATHER	
TYPE OF BUILDING		LIGHTING	
TYPE OF WEAPON/TOOL		SUSPECT MODE OF TRANSPORTATION	
SUSPECT MODE OF TRANSPORTATION		VICTIM'S ACTIVITY	
SUSPECT RELATIONSHIP TO VICTIM		SUSPECT RELATIONSHIP TO VICTIM	
UNUSUAL ACTIONS AND STATEMENTS OF PERPETRATOR		UNUSUAL ACTIONS AND STATEMENTS OF PERPETRATOR	
1 TYPE		NAME (LAST, FIRST, MI)	
VICTIM		DEPINA, ANY	
ALIAS		ADDRESS	
4 LEROY ST, DORCHESTER MA 02124-0000		FEMALE	
DOB		N/A	
AGE		0	
HEIGHT		WEIGHT	
0-00		000	
BUILD		N/A	
MARITAL STATUS		UNKNOWN	
OCCUPATION		UNKNOWN	
SPECIAL CHARACTERISTICS (INCLUDING CLOTHING)		CONTACT #1	
(617)-840-8132		CONTACT #2	
(000)-000-0000		CONTACT #2	
2 TYPE		NAME (LAST, FIRST, MI)	
REPORTER		SAME AS ABOVE	
ALIAS		ADDRESS	
0		DOB	
AGE		0	
HEIGHT		WEIGHT	
BUILD		HAIR	
EYES		CONTACT #1	
CONTACT #2		CONTACT #2	
SPECIAL CHARACTERISTICS (INCLUDING CLOTHING)		CONTACT #2	
NARRATIVE AND ADDITIONAL INFORMATION:		MS. DEPINA CALLED TO REPORT THAT HER 4-YEAR-OLD SON ATTENDS A THERAPEUTIC CAMP AND SOMEONE AT THE CAMP POSTED A VIDEO OF HER SON SWEARING ON YOUTUBE. MS. DEPINA STATED THAT SHE DISCOVERED THE VIDEO AFTER HER BROTHER SHOWED IT TO HER TODAY. MS. DEPINA STATED THAT SHE DOESN'T KNOW WHEN THE VIDEO WAS TAKEN OR WHO POSTED ON YOUTUBE.	
UNIT ASSIGNED		SHIFT	
ND96		3	
REPORTING OFFICER'S NAME		REPORTING OFFICER'S ID	
TERRILL HICKS		81712	
PARTNER'S ID		0	
SPECIAL UNITS NOTIFIED (REPORTING)		DATE OF REPORT	
TIME COMPLETED		07:45 PM	
APPROVING SUPERVISOR NAME		APPROVING SUPERVISOR ID	
BRIAN J. MCEACHERN		11339	

PERSONS	5 TYPE		NAME (LAST, FIRST, MI)		S.S. NO.		BOOKING NO.		DOCKET NO.		
	OFFENDER		RICHARDSON, AYANNA S.		000-00-0000		0				
	ALIAS		ADDRESS		GENDER		RACE		DOB		
					FEMALE		BLACK NON-HISPANIC		0		
	HEIGHT		WEIGHT		BUILD		HAIR		EYES		
				UNKNOWN							
OCCUPATION		MARITAL STATUS		EMAIL ADDRESS		CONTACT #1		CONTACT #2			
CAMP JOY EMPLOYEE						(617)-438-3771		(000)-000-0000			
SPECIAL CHARACTERISTICS(INCLUDING CLOTHING)											
NARRATIVE AND ADDITIONAL INFORMATION:											
<p>About 11:00 AM Friday 08/06/10 while assigned to the HD96 Front Desk at District C-11, Clerk McHale was approached by victim Any M. Depina. Victim stated she wanted to add information to the police report she filed 08/05/10. Victim stated her four year old son, Jayden Romao(victim) had been exploited by a Camp Counselor 08/05/10 about 12:00 PM.</p> <p>Victim stated she had information to add to incident, CC #100423493 reported 08/05/10. Victim stated the suspects name, Ayanna S. Richardson. Victim stated she has been in contact with Camp Joy's unit Manager Roberta Smalls (witness). Manager informed her the suspect, Ayanna S. Richardson had been fired from her position at Camp Joy.</p>											
UNIT ASSIGNED		SHIFT		REPORTING OFFICER'S NAME		REPORTING OFFICER'S ID		PARTNER'S ID			
HD96		2		McHale, Allison		114273		0			
SPECIAL UNITS NOTIFIED(REPORTING)											
DATE OF REPORT		TIME COMPLETED		APPROVING SUPERVISOR NAME		APPROVING SUPERVISOR ID					
08/06/2010		11:19 AM		N/A		0					



Edward F Davis, Police Commissioner

INCIDENT REPORT

SUPPLEMENT NO. 1 OF 1

STATUS: UNAPPROVED

KEY SITUATIONS Others		COMPLAINT NO. 100423493	RPT DIST. C11	CAD RA 352	RPT RA 0	CLEAR. DIST.	
UCR INCIDENT DESCRIPTION		UCR FINAL INCIDENT DESCRIPTION INVESTIGATE PERSON		STATUS		DATE OCCURRED FROM 08/05/2010	DATE OCCURRED TO 08/06/2010
LOCATION OF INCIDENT 4 LEROY ST		APT 2	DISPATCH TIME	TIME OCCURRED FROM 12:00 PM		TIME OCCURRED TO 11:00 AM	
NEIGHBORHOOD		TYPE OF BUILDING		PLACE OF ENTRY		WEATHER	LIGHTING
TYPE OF WEAPON-TOOL		SUSPECT MODE OF TRANSPORTATION		VICTIM'S ACTIVITY		SUSPECT RELATIONSHIP TO VICTIM	
UNUSUAL ACTIONS AND STATEMENTS OF PERPETRATOR							
PERSONS	1 TYPE VICTIM		NAME (LAST, FIRST, MI) DEPINA, ANY		S.S. NO.		BOOKING NO. 0
	ALIAS		ADDRESS 4 LEROY ST 2, DORCHESTER MA 02122-0000		GENDER FEMALE		RACE BLACK HISPANIC
	HEIGHT 5-04	WEIGHT 000	BUILD MEDIUM	HAIR BROWN		EYES BROWN	
	OCCUPATION LAB ASSISTANT		MARITAL STATUS Unmarried	EMAIL ADDRESS AMDEPINA1@HOTMAIL.COM		CONTACT #1 (617)-840-8132	CONTACT #2 (000)-000-0000
	SPECIAL CHARACTERISTICS(INCLUDING CLOTHING)						
PERSONS	2 TYPE VICTIM		NAME (LAST, FIRST, MI) ROMAO, JAYDEN		S.S. NO.		BOOKING NO. 0
	ALIAS		ADDRESS 4 LEROY ST 2, DORCHESTER MA 02122-0000		GENDER MALE		RACE BLACK HISPANIC
	HEIGHT 2-10	WEIGHT 033	BUILD SLIM	HAIR BROWN		EYES BROWN	
	OCCUPATION		MARITAL STATUS	EMAIL ADDRESS		CONTACT #1 (617)-840-8132	CONTACT #2
	SPECIAL CHARACTERISTICS(INCLUDING CLOTHING)						
PERSONS	3 TYPE REPORTER		NAME (LAST, FIRST, MI) DEPINA, ANY		S.S. NO.		BOOKING NO. 0
	ALIAS		ADDRESS 4 LEROY ST 2, DORCHESTER MA 02122-0000		GENDER		RACE
	HEIGHT	WEIGHT	BUILD	HAIR		EYES	
	OCCUPATION		MARITAL STATUS	EMAIL ADDRESS		CONTACT #1 (617)-840-8132	CONTACT #2
	SPECIAL CHARACTERISTICS(INCLUDING CLOTHING)						
PERSONS	4 TYPE WITNESS		NAME (LAST, FIRST, MI) SMALLS, ROBERTA		S.S. NO.		BOOKING NO. 0
	ALIAS		ADDRESS 1483 TREMONT ST , BOSTON MA 02120-0000		GENDER FEMALE		RACE BLACK NON-HISPANIC
	HEIGHT	WEIGHT	BUILD MEDIUM	HAIR BROWN		EYES BROWN	
	OCCUPATION UNIT MANAGER BOSTON		MARITAL STATUS	EMAIL ADDRESS		CONTACT #1 (617)-635-4920	CONTACT #2
	SPECIAL CHARACTERISTICS(INCLUDING CLOTHING)						